

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

CRL.A.No. 670 of 2002()

CC.261/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, KANJIRAPPALLY

APPELLANT/ COMPLAINANT:

**JETEES SECURITIES (P) LTD.,
KANJIRAPPALLY REPRESENTED BY ITS
MANAGING DIRECTOR, JOSE MATHEW, AGED 35,
THANNICKAPPARA, PINNAKKANADU, KALAKETTY P.O.**

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS/ACCUSED & STATE:

- 1. STEPHAN. H., AGED ABOUT 38 YEARS,
THEVARKAVIL, RELIANCE GARMENTS,
KATTAPPANA P.O.**
- 2. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA AT ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 06/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K.R.UDAYABHANU, J

Crl.A.No.670 of 2002

Dated this the 6th day of September, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(i) of CrI.P.C. as the complainant was absent. It is submitted that the lapse was on account of an accidental omission on the part of the counsel.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 5.10.2007.

The appeal is allowed.

**K.R.UDAYABHANU,
JUDGE**

